



Illinois Department of Natural Resources

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<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

July 21, 2010

Mr. Dennis Sandquist, Director
McHenry County Dept. of Planning & Development
2200 North Seminary Road
Woodstock, IL 60098

**Re: Crystal Lake Lateral Repair, Unicorporated McHenry County
Endangered Species Consultation Program
Project Number(s): 1010489
County: McHenry**

Dear Mr. Sandquist:

The Department received a submission from AECOM, via the Department's Ecological Compliance Assessment Tool (EcoCAT), on behalf of McHenry County, regarding this project in Sections 28 and 33, Township 44 North, Range 8 East for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The project, which is located east of Walkup Road, north of Prairie Trail, and west of Terra Cotta Road is within a ComED utility corridor and involves the repair of a 36" natural gas pipeline anomaly (Nicor). The project site is adjacent (south) of **Sterne's Fen Nature Preserve and Illinois Natural Area Inventory (INAI) Site** and @ 300' northeast of **Wingate Prairie INAI Site and Nature Preserve**. It is also east of recent records for the State-listed endangered **Blanding's Turtle**, *Emydoidea blandingii*. As is currently drawn in EcoCAT, the project's polygon extends into the boundary for Sterne's Fen Nature Preserve.

The Department has completed its review of the project and determined that the action may have an adverse impact on each of the nature preserves and the Blanding's Turtle. To minimize potential impacts to these protected resources, the Department recommends the following measures be implemented by Nicor and incorporated in the County's project authorization.

Nature Preserves/INAI Sites

- No impact shall occur to Sterne's Fen Nature Preserve or Wingate Prairie Nature Preserve.
- Minimize impacts to the area by remaining on existing trail and waiting until conditions are dry at the project site if at all possible.
- All staging of heavy equipment shall occur away from dedicated Illinois Nature Preserves.
- Power-wash all equipment before entering area so that no new or additional exotic plant species are brought into the Illinois Nature Preserves.
- Use Best Management Practices to prevent sedimentation outside work zones and monitor them diligently; silt fences, soil stabilization and runoff control measures should be incorporated throughout the entire construction site and during the entire construction period. These should be

inspected on a daily basis to ensure they are working properly and keeping all siltation from the Nature Preserves.

- Use special care to direct water away from high quality areas if any pumping is necessary.
- Over-seed exposed soil with a cover crop.
- A licensed pesticide applicator should visit the site after the work areas green up. An open scar at this site will promote the spread of undesirable exotic, invasive species.
- The landowner of both Nature Preserves, Crystal Lake Park District, shall be notified of the proposed project and consulted on access options. Copies of work plans should be provided to the District, Illinois Nature Preserve Commission (INPC), and IDNR. Access the work zones using the same corridor in and out.
- All heavy equipment should remain within this footprint; Efforts should be made to avoid impacting a lot of ground with machinery.
- Contact INPC's Natural Areas Preservation Specialist Steven Byers (815-653-1983) if recommendations are needed on seeding or use of herbicide.

Blanding's Turtles

1. Work crews and on-site personnel should be educated and informed about Blanding's Turtles before any work begins. Photos (both adult and juvenile) of the turtle should be distributed and a site management plan for responding to encounters with these turtles should be discussed at the preconstruction site meeting. Staff from the Department's Region II office, or from the McHenry County Conservation District, would most likely be able to assist with this. If a turtle is encountered on site, inform crews to immediately stop construction in the surrounding area and contact the District Heritage Biologist, Brad Semel (815/675-2386 ext. 317) and McHenry Country Conservation District (815/653-2297) - keeping in mind it is a criminal act to handle one.

If a Blanding's Turtle is encountered, Incidental Take Authorization from the Department's Office of Resource Conservation may be needed, which would result in a Conservation Management Plan for the species.

Personnel on site should watch the turtle until the proper authority arrives to alleviate the situation, keeping at a respectable distance. If the turtle moves, crews should mark the spot they first saw the turtle and the last spot it was seen. (In the past, Nicor has created an informational packet for work crews – a similar document would be acceptable for this project).

2. The area may contain an unknown nesting site or the route to a nesting site. In this instance, transiting turtles are the main concern. Limiting work to between October 15 and March 15, when this species is hibernating, may prevent construction activities from crushing or injuring juvenile or adult turtles.
3. If work cannot be limited to the recommended time frame, exclusionary (silt) fencing should be installed and in place, from the end of March and remain until the end of October, to prevent turtles from entering the construction areas. Daily inspections by qualified personnel should occur for the first two weeks and then be maintained weekly throughout the project timeframe to ensure the exclusionary fencing has been properly installed (dug into the ground) and to check if any turtles are present on either side of the fence.
4. Trenches can trap turtles (and other reptiles & amphibians), therefore trenches and excavations should be routinely inspected throughout the day. Trenches should also be inspected before being backfilled, covered at the end of the work day, and returned to original grade when project is done.

Consultation on the part of the Department is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), the County must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally planned;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resources review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected species are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this project review.

Warm regards,



Kathi Davis
Division of Ecosystems and Environment
Impact Assessment Section
Office of Realty & Environmental Planning
217-785-5500

enclosure

cc: Mike Redmer, USFWS-Barrington
Brad Semel, IDNR/Region II/Natural Heritage
Ray Eisbrener, IDNR/Region II/Wildlife
Jenny Skufca & Steve Byers, Illinois Nature Preserves Commission
Darrell Moore & Mark Phipps, McHenry County Dept. of Planning & Development
Elizabeth Kessler & Sue Hayden, McHenry County Conservation District
Shae Birkey, AECOM
Cindy Skrukud, McHenry County Defenders/1075.70
Lisa Haderlein, The Land Conservancy of McHenry County/1075.70